

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1718 of 2025

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Dipali Bharti @ Rina Devi wife of Ravi Shankar Gupta, resident of Village-
Bishari Mandir Road, Ward No. 21, Naugachia, P.O. and Police Station-
Naugachia, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Member Administrative, Bihar Land Tribunal, Patna.
3. The Collector, Bhagalpur.
4. The Additional Collector, Bhagalpur.
5. The Deputy Collector, Land Reforms, Naugachia, District-Bhagalpur.
6. The Circle Officer, Naugachia, District-Bhagalpur.
7. Parmanand Sah son of Late Ambika Prasad Sah, resident of Village and P.O. Marwa, Police Station-Bihpur, District-Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar, Advocate
For the Respondent/s : Mr. Government Pleader (02)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 06-02-2025 Heard Learned Counsel for the petitioner and Learned
Counsel for the State.

2. Learned Counsel for the petitioner submits that the present writ petition has been filed for quashing the order dated 26.06.2024 passed by the Member Administrative, Bihar Land Tribunal, Patna, in B.L.T. Case No.439 of 2023, by which he has quashed the order dated 28.08.2021 passed by the Additional Collector, Bhagalpur in Mutation Revision Case No.83 of 2020-21 and allowed B.L.T. Case No.439 of 2023.



3. Learned Counsel for the petitioner submits that the land appertaining to Old Khata No.286 (New Khata No.610) and Old Khesra No.234 (New Khesra No.1966, 1964), area $58 \frac{1}{3}$ decimals situated in mauza Manoharpur, Kalidas-41, Anchal-Naugachia, District- Bhagalpur, has been the subject matter of the present case. Counsel submits that the revisional authority have decided the case in favour of the petitioner considering all aspects of the matter. He submits that order passed by the Member Administrative, Bihar Land Tribunal, Patna, is completely illegal as he has not considered this aspect of the matter that all are the family members and question of adoption is there involved in the present case.

4. Learned Counsel for the State submits that order passed by Bihar Land Tribunal is completely in accordance with law. He has only decided that the test of law about applicability of the Hindu Adoption and Maintenance Act, 1956 (HAMA) and the Hindu Succession Act, 1956 (HSA) are beyond the jurisdiction of the Revenue Court and Revenue Court cannot examine the merit of the title acquired by virtue of the said laws.

5. In the light of the submissions made, this Court is of the firm view that Revenue Court has been made for limited purpose and not for to test the title, which is involved in the



present case. Therefore, this Court is of the firm view that the decision of the Member Administrative, Bihar Land Tribunal, Patna, is completely in accordance with law. Therefore, this Court shall not grant any relief to the petitioner. But liberty is hereby granted to the petitioner to test the action taken by the parties under the Hindu Adoption and Maintenance Act before competent Civil Court only. As it is within the ambit of the jurisdiction of the Civil Court.

6. With the aforesaid liberty, this writ petition is disposed off.

(Dr. Anshuman, J)

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